

Document No 3908
Adopted at Meeting of 1/24/80
BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF
B & M ASSOCIATES FOR THE AUTHORIZATION
AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS
GENERAL LAWS (TER.ED.) CHAPTER 121A AS AMENDED,
AND CHAPTER 652 OF THE ACTS OF 1960, TO BE
UNDERTAKEN AND CARRIED OUT BY A LIMITED
PARTNERSHIP ORGANIZED PURSUANT TO M.G.L.,
C. 109, AND APPROVAL TO ACT AS AN URBAN
REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID
CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 p.m. on January 10, 1980, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at City Hall, Room 921, Boston, Massachusetts, 02201, by the Authority on an Application dated November 8, 1979, (hereinafter called the "Application"), filed by Harold Brown on behalf of B & M Associates, for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on December 31, 1980, in the Boston Herald American, a daily newspaper of general circulation published in Boston and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. James G. Colbert, Joseph J. Walsh, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present at the hearing.

B. The Project. The Project Area consists of five parcels of land in the Fenway district of the City of Boston on the block bounded by Boylston Street, Massachusetts Avenue, Haviland Street and Hemenway Street. A metes and bounds description is attached to the Application as Exhibit A.

The Project consists of the acquisition, substantial rehabilitation and operation of four buildings and a parking lot in the Fenway Urban Renewal Area. The four buildings are severely deteriorated and, in large part, abandoned.

Major rehabilitation work is needed to restore the four buildings to habitable condition. The interiors of all buildings will be substantially rebuilt with new partitions, plumbing, heating and wiring. Windows will be replaced or repaired as needed; skylights will be installed. The exterior of the buildings will be cleaned and repaired, as needed. New roofs will be installed. Existing signs will be removed and, in cooperation with the Mayor's "Restore" Program, new signs will be erected with a view to preserving the original architectural details of the facades.

1078-1080 Boylston Street is a three-story building which will be occupied by one or two commercial tenants on the first floor and the two upper floors will be rebuilt into four duplex studio apartments.

1088-1094 Boylston Street is a three-story building which will also be rebuilt for one or two commercial tenants on the first floor and eight studio apartments on the upper two floors.

1100 Boylston Street, also a three-story building will contain a single commercial tenant on the first floor and two duplex apartments on the upper two floors.

1120-1130 Boylston Street is a six-story building with a penthouse formerly known as the Fenway Club for Women. The first two floors will be renovated for commercial and office tenants. The upper floors will contain 30 apartment units: 12 studios and 18 one-bedroom apartments.

The square footage per floor per building can be found in the Application.

The first floor tenants of 1120-1130 Boylston Street are long established businesses serving the neighborhood. By agreement between the Applicant and the Fenway Project Area Committee, the Applicant has offered leases to these tenants for up to ten years at rents comparable to their present rents.

The parking lot on Haviland Street, directly behind the Boylston Street buildings will serve the residential and commercial tenants of the Project. The lot will be improved with landscaping and new driveways.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the rehabilitation of four buildings and a parking lot in a blighted and substandard area for commercial, office and residential space.

All four buildings in the Project Area were built in the decade following the First World War. The building at 1078-1080 Boylston Street is vacant and boarded up above the first floor as of April 10, 1962, with no evidence of repair since that date. 1088-1094 Boylston Street is now vacant and boarded up. The first floor of 1100-1102 Boylston Street is occupied although the upper floors were abandoned in April, 1944. The six story building at the corner of Boylston and Hemenway Streets is occupied by shops on the first floor and by artists' workrooms in parts of the second floor and penthouse. The third through sixth floors and the remainder of the second floor and penthouse are abandoned.

Innovative Design Associates, Inc., the Project architects, have conducted an on-site investigation of the four buildings and have found they are deteriorated, filled with debris and in need of substantial improvement to comply with State Building and Life Safety Codes. Roofing, plumbing and wiring must be substantially replaced to make the buildings habitable.

The buildings in the Project Area are the dominant structures on the block and their substandard condition has a depressing effect on the surrounding area.

The Project Area also contains a 39-car surface parking lot on Haviland Street, directly behind the Project buildings. This parking lot is a necessary adjunct to the Project buildings as the Project Area contains no other parking facilities for prospective commercial and residential tenants.

The whole of the Project area is within the Fenway Urban Renewal Area and has been declared blighted and substandard by the Authority in connection with the Authority's acquisition of the property.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under G.L. Chapter 121A, Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project Area is a blighted substandard decadent area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. As the Project Area is presently owned by the Authority and primarily vacant, there is minimal return to the City or the Authority from the property. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the fifteen (15) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated minimum cost of the Project will be approximately \$1,498,600 as further outlined in the Application. The cost of the Project will be financed by a mortgage loan of approximately \$1,100,000.

The Applicant will invest cash for the remainder, now estimated to be \$398,600. A copy of the loan commitment from Suffolk Franklin Savings Bank is attached to the Application as Appendix 5.

The certificates of limited partnership and limited partnership agreements are filed with the Application. The only persons natural or corporate, who prior to completion of the project, have or will have, directly or indirectly any beneficial interest in the project are as follows:

General Partner:	Harold Brown
Limited Partners:	Robert J. Samia
	Harold Brown

B & M Associates
Suffolk Franklin Savings Bank

Experience with similar financing and organization methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicant, mixed commercial and residential.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Design Plans of the rehabilitation for the Project Area have been reviewed and approved by the Design Review Staff of the Authority. In the event that the plans change in any material way, then they are subject to further review by the Authority's Design Staff. The Authority finds

that this Project will enhance the general appearance of the Area and will help to promote further rehabilitation. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction and management periods of the Project, the Applicant and any contractor or subcontractor will be required, to the best of its ability, to grant preference in hiring to Boston residents as set forth in the Application.

There are presently no residential tenants in the Project Area. Therefore, the Project will not involve the destruction or rehabilitation of occupied dwellings or the relocation of families.

Environmental Considerations: Pursuant to the provisions of regulations implementing the Massachusetts Environmental Policy Act, 301 CMR 10.32(5)(a), the Project has been categorically excluded from the filing of any environmental report.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulation for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity. Furthermore, if the rehabilitation involves any abrasive blasting of interior or exterior surfaces, the contractor must submit an application for an Abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity.

I. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to

this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in the Application, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the grant of a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not require a declaration by the Authority that buildings in the Project Area constitute separate buildings for purposes of Chapter 138 of the General Laws.

J. Zoning Code Deviations. Exhibit 10 to the Application lists the zoning code deviations requested. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority finds that the deviations attached hereto and incorporated by reference as Exhibit A are necessary for the carrying out of the total project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations respectively.

K. Duration of Period of Tax Exemption. The Applicant does not request any extensions to the base term of fifteen (15) calendar years for the Project's period of tax exemption pursuant to applicable provisions of Chapter 121A.

L. Decision.. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.

EXHIBIT "A"

DEVIATIONS REQUESTED

In order to carry out the rehabilitation of the buildings in the Project Area as stated in this Application, permission will be required for the Project to deviate from the following provisions of the Boston Zoning Code:

Article 3 Zoning Districts

Permission to use Parcel E, which is located in a parking restricted district, for parking.

Article 15 Building Bulk

Permission to waive the floor area ratio limitation in the B-2 district to 2.0. The floor area ratios of the buildings are now and will continue to be as follows: Parcel B, approximately 2.5; Parcel C, approximately 3.0; Parcel D, approximately 2.7; and Parcel E, approximately 6.3.

Article 17 Open Space Requirement for Residents

Permission to waive all open space requirements.

Article 18 Front Yards

Permission to waive all front yard requirements.

Article 19 Side Yards

Permission to waive all side yard requirements.

Article 20 Rear Yards

Permission to waive all rear yard requirements.

Article 21 Setbacks

Permission to waive all setback requirements.

Article 22 Yard Regulation

Permission to waive all yard regulation requirments.

Article 23 Off-Street Parking

Permission to waive the requirement that required parking facilities be provided on the same lot as the main use. Parking will be provided on Parcel F for all parcels of the Project Area.

January 24, 1980

3904

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A APPLICATION
OF B & M ASSOCIATES

On January 10, 1980, the Authority conducted a public hearing with respect to the above-captioned Application.

The Project consists of the acquisition of the Project Area from the Authority, rehabilitation, operation and maintenance of the buildings for commercial, office, and residential facilities and the operation of a 39 car open parking lot.

The Staff has examined the Application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on The Application of B & M Associates, for the Authorization and Approval of a Project Under Massachusetts General Laws (Ter. Ed.) Chapter 121A, As Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Organized Pursuant to M.G.L., C. 109 and Approval to Act as an Urban Redevelopment Limited Partnership Under said Chapter 121A" be and hereby is approved and adopted.